

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOSEPH ROBINSON,

Plaintiff,

v.

KENNETH BRYANT,

Defendant.

No. 2:20-CV-1189-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c); see also ECF No. 25 (District Judge order reassigning action). Pending before the Court is Plaintiff's motion for leave to amend, ECF No. 54, originally set for hearing on February 24, 2021, and subsequently ordered submitted on the briefs without oral argument, see ECF No. 63.

Defendant filed an opposition to Plaintiff's motion for leave to amend on February 10, 2021. See ECF No. 59. In reply, Plaintiff filed a document entitled "Notice of Withdrawal of Motion for Leave to File Amended Complaint." ECF No. 62. Plaintiff states that he is withdrawing his motion "because he agrees with Defendant that this case should move past the pleading stage. . . ." Id. at 1. On Plaintiff's notice, the Clerk of the Court will be directed to terminate Plaintiff's motion for leave to amend as a pending matter on the Court's docket. The

1 Court will also strike various amended complaints filed without leave of court or stipulation.
2 Finally, because the case is now at issue with the filing of an answer to the original complaint,
3 see ECF No. 48, the matter will be set for a scheduling conference.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion for leave to amend, ECF No. 54, is withdrawn on
6 Plaintiff's notice;
- 7 2. The Clerk of the Court is directed to terminate ECF No. 54 as a pending
8 motion;
- 9 3. The amended complaints at ECF Nos. 46 and 55 are stricken as having
10 been filed without leave of court or stipulation;
- 11 4. The matter is set for an initial scheduling conference on April 14, 2021, at
12 10:00 a.m., before the undersigned in Redding, California; and
- 13 5. The parties shall meet and confer and file a single joint scheduling
14 conference statement on or before April 7, 2021, such statement to address the matters outlined
15 in the Court's June 26, 2020, order at ECF No. 6.

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17 Dated: February 26, 2021



18 DENNIS M. COTA
19 UNITED STATES MAGISTRATE JUDGE
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